



BOARD OF APPEALS
Diane R. Gordon, Co-Chair
Harry Miller, Co-Chair
Bailey S. Silbert

Town of Brookline

Massachusetts

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Patrick J. Ward, Secretary

TOWN OF BROOKLINE
BOARD OF APPEALS
CASE NO. BOA 070032

Petitioner, Rene J. Feuerman applied to the Board of Appeals for zoning relief to construct an addition to her home at 3 Craftsland Road.

On April 26, 2007 the Board of Appeals met and determined that the properties affected were those shown on a schedule in accordance with the certification prepared by the Assessors of the Town of Brookline and approved by the Board of Appeals and fixed June 21, 2007 at 7:00 p.m. in the Conference Room on the second floor of the Main Library as the time and place of a hearing on the appeal. Notice of the hearing was mailed to the Petitioners, to the owners of the properties deemed by the Board to be affected as they appeared on the most recent local tax list, to the Planning Board and to all others required by law. Notice of the hearing was published May 31 and June 7, 2007 in the Brookline Tab, a newspaper published in Brookline. Copy of said notice is as follows:

TOWN OF BROOKLINE
MASSACHUSETTS
BOARD OF APPEALS
NOTICE OF HEARING

Pursuant to M.G.L., C.39, sections 23A & 23B, the Board of Appeals will conduct a public hearing to discuss the following case:

Petitioner: **FEUERMAN, Rene J.**
Location of Premises: **3 CRAFTSLAND RD BRKL**
Date of Hearing: **06/21/2007**
Time of Hearing: **07:00 p.m.**
Place of Hearing: **Library Conference Room**

A public hearing will be held for a special permit and/or variance from:

- 1) **5.09.2j; Design Review; Special Permit Required.**
- 2) **5.20; Floor Area Ratio; Variance Required.**
- 3) **5.22.3.b.1.b; Exceptions to Maximum Floor Area Ratio (FAR) Regulations for Residential Units; Special Permit Required.**
- 4) **5.43; Exceptions to Yard and Setback Regulations; Special Permit Required.**
- 5) **5.60; Side Yard Requirements; Variance Required.**
- 6) **5.70; Rear Yard Requirements; Variance Required.**
- 7) **5.71; Projections into Rear Yards; Variance Required.**
- 8) **8.02.2; Alteration or Extension; Special Permit Required.**
- 9) **Board of Appeals Decision; Case #3550, dated August 26, 1999; Modification Required of the Zoning By-Law to construct an addition per plans at 3 CRAFTSLAND RD BRKL.**

Said Premise located in a S-7 District.

Hearings, once opened, may be continued by the Chair to a date and time certain. No further notice will be mailed to abutters or advertised in the TAB. Questions regarding whether a hearing has been continued, or the date and time of any hearing may be directed to the Zoning Administrator at 617-734-2134 or check meeting calendar at: <http://calendars.town.brookline.ma.us/MasterTownCalendar/?FormID=158>.

The Town of Brookline does not discriminate on the basis of disability in admission to, access to, or operations of its programs, services or activities. Individuals who need auxiliary aids for effective communication in programs and services of the Town of Brookline are invited to make their needs known to the ADA Coordinator, Stephen Bressler, Town of Brookline, 11 Pierce Street, Brookline, MA 02445. Telephone: (617) 730-2330; TDD (617) 730-2327.

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At the time and place specified in the notice, a public hearing was held by this Board.
Present at the hearing was Chair, Diane Gordon and Board members Larry Kaplan and Jesse

Geller. Rene Feuerman, the petitioner, was accompanied by her husband Jeffery Feuerman. Mrs. Feuerman presented the case before the board.

Mrs. Feuerman described the site as a two story single-family house located on the corner of Craftsland and Arlington Roads, just off Hammond Pond Parkway near the Brookline/Newton border. The Lost Pond Reservation is located to the south. Constructed in approximately 1940 in the colonial style, the home features a wood frame with cedar clapboard siding and asphalt shingles. Homes in the surrounding neighborhood are of similar scale and character to that of the subject property. Mrs. Feuerman described the project as the construction of a 350 s.f. first floor addition to accommodate their growing family. Mr. Feuerman said the project would require side/rear yard setback and FAR relief. The addition, to be constructed on the northwest corner of the house, will be created by demolishing an existing second-floor deck, first-floor porch and a portion of two exterior walls. An addition to the existing foundation will expand a portion of the basement, and on top of it a first floor addition will be built. The first floor addition will feature a playroom, mudroom, rear exterior access door, and a new set of stairs leading to the basement. The exterior of the addition will be finished with wood clapboard siding, corner boards and asphalt shingles to match that found on the existing building.

The Chair then asked whether anyone wished to speak in favor or in opposition to the proposal. No-one responded and Mr. Feuerman reminded the Board of the letters of support dated May 16, 2007, for the project from two neighbors, both direct abutters.

Assistant Director for Regulatory Planning, Polly Selkoe, then reviewed the relief required for the project:

Section 5.09.2.j Design Review

A special permit is required for any exterior addition for which a special permit is requested under Section 5.22. All of the design standards in paragraph (d) have been met and comments on the most relevant follow:

- a. Preservation of Trees and Landscape – The proposed addition will not result in the loss of trees or shrubs.
- b. Relation of Buildings to Environment – The proposed addition will be located within close vicinity to abutting properties. However, the addition is one story in height and is concealed from view by large trees and a wooden fence which was required as a part of a previous Board of Appeals decision.

Section 5.20; Floor Area Ratio

	Allowed		Existing	Proposed	Relief
	By Right	By Special Permit			
F.A.R	0.35 (100%)	0.42 (120%)	0.39 (110%)	0.43 (123%)	Special Permit*
Floor Area (s.f.)	2,799	2,879	3,083	3,433	-

* Under Section 5.22.3.b.1.c, the Board may allow by special permit an exterior addition up to 350 s.f. provided that the resulting gross floor area of the building(s) is not more than 150% of the permitted gross floor area. The proposed addition is 350 s.f.

Section 5.60; Side Yard Requirements

Proposed Addition	Required/Allowed	Proposed	Relief
Side Yard Setback	7.5 feet	6.9 feet	S.P./Variance**
Rear Yard Setback	30 feet	6.4 feet	S.P./Variance**
Projections into Rear Yards	4 feet (allowed)	16.5 feet	S.P./Variance**

** A special permit under Section 5.43 to waive dimensional requirements may be granted provided that counterbalancing amenities are provided. The applicant has not specified details on a counterbalancing amenity to be provided.

Section 8.02.2 - Alteration or Extension

A special permit may be granted under Section 8.02.2 to alter or enlarge a non-conforming condition.

Modification of Board of Appeals Decision, Case #3550 (8/29/1999) which approved a proposal to construct a two-story addition to the property, granting a special permit for rear-yard setback relief.

Ms. Selkoe stated that the Planning Board had no objections to this proposal to construct a 350 s.f. addition at 3 Craftsland Road requiring rear yard, side yard and FAR relief. The

proposed addition will match the existing house in terms of style and materials. The proposed addition will be close to the rear and side property lines, however it is one story in height and is shielded from view of abutting properties by dense vegetation as well as an existing fence that was constructed as a condition of a prior Board of Appeals case. The Board feels that the rear façade of the house as proposed is rather stark, and may benefit from the inclusion of additional windows to break up the façade. As a counterbalancing amenity, additional landscaping at the side and rear of the property, in the vicinity of the addition, may be appropriate. She stated that the Planning Board recommends approval of the plans, titled "Feuerman Residence, 3 Craftsland Road", by Andy Niazy of McDougal Architects, dated 03/21/07, subject to the following conditions:

- 1. Prior to the issuance of a building permit, a final landscaping plan, showing all counterbalancing amenities, shall be submitted for the review and approval of the Assistant Director for Regulatory Planning.**
- 2. Any changes to building elevations, including any additional windows on the rear façade, shall be subject to the review and approval of the Assistant Director of Regulatory Planning.**
- 3. Prior to obtaining a building permit, the applicant shall submit to the Zoning Administrator for review and approval for conformance to the Board of Appeals decision: 1) a final site plan and final elevations showing dimensions stamped and signed by a registered architect or land surveyor, and 2) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.**

The Chair called on James Nickerson, Building Commissioner. Mr. Nickerson described the project as a request to construct a small single story addition on the side and rear of the home at the subject property. He said all the required relief could be granted by Special Permit. Mr. Nickerson stated that relief was required for Design Review under Section

5.09.2.j of the bylaw. Also, because the addition would increase the gross floor area beyond that which is allowed by right, relief is required under Section 5.22.3.b.1.c of the bylaw. Relief is required because the side and rear setbacks with the addition are less than that required and the projection into the rear yard is greater than allowed. A Special Permit under Section 5.43 may be granted to waive dimensional requirements with a suitable counterbalancing amenity. Also, relief was required under Section 8.02.2 because of the existing non-conformity. Mr. Nickerson stated that the Building Department had no objections to the proposal, the relief required or the conditions recommended by the Planning Board.

The Board, having deliberated on this matter and having considered the foregoing testimony, concludes that it is desirable to grant Special Permits under Section 5.09.2.j, Section 5.22.3.b.1.c, Section 5.43 and Section 8.02.2 of the Zoning Bylaw and a modification to previously granted relief, case #3550. The Board makes the following findings pursuant to Section 9.05:

- a. The specific site is an appropriate location for such a use, structure, or condition.
- b. The use as developed will not adversely affect the neighborhood.
- c. There will be no nuisance or serious hazard to vehicles or pedestrians.
- d. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.
- e. The development as proposed will not have a significant adverse effect on the supply of housing available for low and moderate income people.

The board noted that the condition attached to the previously issued special permit for the subject property, case # 3550, was satisfied. Therefore, the board voted unanimously to grant

all the Special Permit relief with the following conditions:

1. Prior to the issuance of a building permit, a final landscaping plan, showing all counterbalancing amenities, shall be submitted for the review and approval of the Assistant Director for Regulatory Planning.
2. Any changes to building elevations, including any additional windows on the rear façade, shall be subject to the review and approval of the Assistant Director of Regulatory Planning.
3. Prior to obtaining a building permit, the applicant shall submit to the Zoning Administrator for review and approval for conformance to the Board of Appeals decision: 1) a final site plan and final elevations showing dimensions stamped and signed by a registered architect or land surveyor, and 2) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

Unanimous Decision of
The Board of Appeals



Diane R. Gordon

Filing Date: June 29, 2007

A True Copy:

ATTEST



Patrick J. Ward

Clerk

Board of Appeals